

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI**

KATHLEEN SARETTE,

Plaintiff,

v.

Case No. 4:21-mc-09198-NKL

DST SYSTEMS, INC.,

Defendant.

**DEFENDANT DST SYSTEMS, INC.'S SUGGESTIONS IN SUPPORT OF
ITS MOTION TO DISMISS, TRANSFER, STAY, OR VACATE AND IN OPPOSITION
TO PLAINTIFF'S MOTION TO CONFIRM ARBITRATION AWARD**

Pursuant to the Court's November 19, 2021 Order (ECF No. 7), DST Systems, Inc. ("DST") respectfully submits this opposition to Plaintiff's Motion to Confirm Arbitration Award and Memorandum in Support Thereof.

DST respectfully submits that this action should be stayed or transferred to the Southern District of New York, or the motion should be denied. As Your Honor is aware, DST has opposed motions to confirm arbitration awards filed in other actions before this Court that are substantively identical to the motion here. *See, e.g.*, Defendant DST Systems, Inc.'s Suggestions in Support of Its Motion to Dismiss, Transfer, Stay, or Vacate and in Opposition to Plaintiff's Motion to Confirm Arbitration Award, *Trimble v. DST Systems, Inc.*, No. 4:21-cv-09182-NKL, ECF No. 6 (W.D. Mo. Nov. 16, 2021) (attached as Exhibit A for convenience). DST adopts and incorporates herein the arguments made in those submissions in all relevant part.

DST appends as Exhibit B the transcript of the November 18, 2021 hearing before the United States District Court for the Southern District of New York, during which that Court read its decision into the record. DST respectfully submits that, as underscored by that decision and for the reasons set forth in DST's prior submissions, Plaintiff's motion should be stayed, transferred, or denied in favor of the mandatory class proceeding certified under Rule 23(b)(1) in *Ferguson, et al. v. Ruane Cuniff & Goldfarb Inc., et al.*, 17-cv-6685 (S.D.N.Y.).

Dated: December 1, 2021
Kansas City, Missouri

Respectfully submitted,

SHOOK, HARDY & BACON L.L.P.

By: Robert T. Adams

Robert T. Adams, MO 34612
Ann M. Songer, MO 42813
Michael S. Cargnel, MO 52631
Megan M. Egli, MO 60187
Richard S. Shearer, MO 59571
2555 Grand Boulevard
Kansas City, Missouri 64108
Telephone: (816) 474-6550
Facsimile: (816) 421-5547
Emails: rtadams@shb.com
asonger@shb.com
mcargnel@shb.com
megli@shb.com
rshearer@shb.com

Counsel for Defendant DST Systems, Inc.